

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent of:)	Group Art Unit: 1655
)	
ADAMS <i>et al.</i>)	Examiner: Chakrabarti, A.
)	
Serial No. 09/365,121)	Batch No. G29
Patent No. US 6,297,365 B1)	
)	Atty. Docket No. GP100-02.UT
Filed: July 30, 1999)	
Issued: October 2, 2001)	
)	
For: DECOY PROBES)	

**REQUEST FOR CERTIFICATE OF CORRECTION
UNDER 35 U.S.C. § 254 AND PURSUANT TO 37 C.F.R. § 1.322**

Certificate of Correction Branch
Commissioner for Patents
Washington, D.C. 20231

Sir:

Patentee respectfully requests a certificate of correction in accordance with the enclosed form PTO-1050 (2 copies). The certificate of correction requested addresses mistakes in the claims of the above-identified patent which were made by the Patent and Trademark Office. These mistakes are clearly disclosed by the records of the Office and are deemed to be of sufficient significance to warrant issuance of a certificate. The basis for this request is set forth below.

On May 3, 2001, Patentee sent to the Examiner a draft Supplemental Response to Final Action by facsimile which proposed the cancellation of claims 23-33 and amendments to claims 1, 2, 7, 11, 12, 15, 35-37 and 39-41. *See* Attachment A, copy of draft Supplemental Response to Final Action and Transaction Report confirming delivery of the facsimile. In a telephone interview with the Examiner on the same day, it was agreed that the Examiner would enter the amendments proposed in the draft Supplemental Response to Final Action by Examiner's Amendment. *See* Attachment B, Interview Summary. The Examiner's Amendment was mailed with a Notice of Allowability on May 14, 2001 and included claim amendments which were not agreed

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Page 1 of 3

CERTIFICATE OF CORRECTION

Patent No. US 6,297,365 B1 / Serial No. 09/365,121
Atty. Docket No. GP100-02.UT

to by Patentee, and failed to include amendments to other claims requested by Patentee. *See* Attachment C, Notice of Allowability and Examiner's Amendment. At the Examiner's invitation (*see* paragraph 1 of Examiner's Amendment), Patentee filed an Amendment Under 37 C.F.R. § 1.312 on May 29, 2001, the same day that the issue fee was paid, requesting amendments to claims 1, 2, 11, 12, 35-37 and 39-41 which were fully consistent with those proposed in the draft Supplement Response to Final Action and authorized by Patentee during the telephonic interview conducted on May 3, 2001. *See* Attachment D, Section 312 Amendment, Part B - Issue Fee Transmittal, and return post-card stamped received on June 1, 2001. This Section 312 Amendment was not considered by the Examiner prior to issuance of the patent.

Patentee submits that the claim amendments presented in the Section 312 Amendment, and now set forth as a correction to the issued claims in the enclosed forms PTO-1050, did not introduce new matter nor did they raise new issues. Instead, the claim amendments were intended to render the claim language consistent with those amendments which were to be made by the Examiner pursuant to Patentee's authorization. In claims 1 and 11, for example, Patentee substituted claims which excluded the "wherein" clause which had appeared in claims 1 and 11, as the wherein clause was nonsensical given the Examiner's removal of the "optionally present second nucleotide base sequence region" language from these claims. In addition, removal of the "further" from the "further provided" language in substitute claims 1 and 11 was deemed appropriate since the first "provided" language had been removed in the Examiner's Amendment. Likewise, since claims 1 and 11 specified the presence of a "second nucleotide base sequence region," it was only logical that claims 2, 12, 35-37 and 39-41 should have been substituted with claims removing the former language which had previously indicated that the second region "is present."

For the reasons set forth above, Patentee submits that the requested correction to the claims of the subject patent are necessitated by mistakes made by the Office. The requested correction is consistent with those claim amendments authorized by Patentee during a telephonic